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**THE UNITED NATIONS AND RESOURCES OF  
THE DEEP OCEAN FLOOR**

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## SOVIET POLICY ON THE SEA-BED AND THE OCEAN FLOOR

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Soviet policy regarding the sea-bed should be viewed in the light of its growing oceanographic fleet, fishing fleet, merchant marine, and navy. During the last decade, the USSR has changed from basically a land power to both a land and a respectable sea power.

Parity with the United States has been achieved in the field of oceanography. The Russian oceanographic fleet is presently the largest in size and tonnage in the world, consisting of ships designed to operate in a variety of climates, performing complex and specialized research.<sup>1</sup>

The fishing fleet of the USSR is also the largest and the most modern in the world. It is technologically superior to that of the United States, having been developed under a policy of commitment to expansion in exploitation of the ocean's fisheries. After the 7-Year Plan of 1959-1965, a new Soviet 5-Year Plan for the development of the fishing industry was adopted in 1966. According to this plan, a 50% increase over the 1965 fishery landings, or a total of 8,500,000 tons by 1970 was expected. It was anticipated that close to 90% of this catch would come from areas of the high seas, far from Soviet coastal waters.<sup>2</sup>

The Soviet merchant fleet, too, is continually growing,<sup>3</sup> presently ranking sixth among the world's merchant marine fleets. Dedication to growth and expansion is readily evidenced by the fact that 80% of the Soviet fleet is less than ten years old.

As for the Soviet navy, it is the second largest, and, perhaps, the most modern navy in the world, making its presence felt in all parts of the

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1. Alvarez *Strategic Implications of Continental Shelves*, 21 NAVAL WAR COLLEGE REVIEW, Nov. 1969, at 62; GEORGETOWN UNIVERSITY CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES, SOVIET SEA POWER 99-106 (1969) [hereinafter SOVIET SEA POWER]; Lewis, *The Deep Sea Resources*, 21 NAVAL WAR COLLEGE REVIEW, June 1969, at 147; Plunkett, *Okeanologii*, OCEANS, Aug. 1969, at 48-69.

2. SOVIET SEA POWER, *supra* note 1 at 93-98; Hayes, *A Maritime Survey for 1970; Seamen, Fishermen, Prospectors—Who Will Own the Oceans!*, 21 NAVAL WAR COLLEGE REVIEW, Dec. 1969, at 37-88; Robinson, *Ocean Fisheries: National Instrument for International Stability*, 21 NAVAL WAR COLLEGE REVIEW, June 1969, at 114, 120-21, 123, 125-26.

3. SOVIET SEA POWER, *supra* note 1, at 73-91; Hanson, *The Rise of the Soviet Merchant Marine*, 26 THE WORLD TODAY, Mar. 1970, at 130; *Merchant Marine, 1970*, SOVIET UNION, No. 4, 1970, at 2; Sutton, *The Soviet Merchant Marine*, UNITED STATES NAVAL INST. PROC., Apr. 15, 1970, at 35-43.

globe.<sup>4</sup> The growth and development of a modern navy has been a somewhat recent phenomenon for the USSR, occurring most significantly in the last decade. Soviet policy towards law of the sea matters, then, is naturally influenced by these factors. The push towards an ever-expanding role in the world's oceans, engendered primarily in the national interest, clearly colors the Soviet views, as expressed in current international discussions.

THE RESERVATION OF THE SEA-BED AND  
THE OCEAN FLOOR FOR PEACEFUL  
PURPOSES

After the Malta proposal of August 17, 1967, and during the examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor beyond the limits of national jurisdiction, the approach of the USSR has been one of caution and emphasis on the need for further study before the formulation of a principle to regulate the use of the ocean floor and its resources. The primary need, according to the USSR, is for careful preparatory study, the collection of data, and the coordination of existing studies and activities. Its representatives have emphasized that the study should be carried out by the States, themselves, with the assistance of the Secretary General and the Secretariat of the United Nations.<sup>5</sup> The Soviet delegation did not favor the creation of an *ad hoc* committee, fearing that it would lay the foundation for the establishment of a future permanent organ. It did not oppose the resolution calling for the creation of such a committee, however, expecting that the committee's purpose and activities would be severely limited by the terms of the draft resolution itself.<sup>6</sup>

In a later session, the USSR displayed its cautionary approach by abstaining from the voting on the resolution of December 21, 1968, which created a permanent 42-member Committee on the Peaceful Uses of the Sea-bed and the Ocean Floor. Furthermore, the Soviet delegation voted against the draft resolution of the same date requesting a study by the Secretary General on the establishment of international machinery to explore and exploit the resources of the sea-bed and ocean floor and the convening in 1972 of a Conference on the Law of the Sea.<sup>7</sup>

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4. SOVIET SEA POWER, *supra* note 1, at 31-50; *Rise of Soviet Sea Power*, ORDNANCE, Jan.-Feb. 1970, at 394-98; SOVIET NAVAL EXPANSION, WORLD SURVEY, Main Series, London, Feb. 1971, at 1-20.

5. U.N. Doc. A/C. 1/PV. 1544, at 31, 32-35 (1967).

6. U.N. Doc. A/C. 1/PV. 1544, at 32-35, 38-40 (1967).

7. G.A. Res. 2749 (XXV), 25 U.N. GAOR Supp. 28 at 24, U.N. Doc. A/8028 (1970).

According to the USSR delegation: (1) appropriate conditions for the establishment of international machinery did not exist; (2) essential scientific data were lacking; (3) it was not clear how profitable the industrial development of sea-bed resources would prove in the near future; and (4) a more advanced technological means of exploration and exploitation at great depths without harm to the marine environment would have to be developed.

The Soviet delegation expressed dissent at the idea of granting jurisdiction over the sea-bed to an international machinery. Thus, Soviet policy has reflected opposition to authorization for the international machinery to carry out exploration and exploitation of sea-bed resources, since, in the final analysis, it might "become a capitalistic undertaking and the tool of monopolies." Rather, its role, as envisioned by the Soviet policy-makers, should be limited to assisting countries in carrying out such exploration and exploitation in the interests of all mankind. The Soviet delegation felt, moreover, that it would be futile to attempt to establish the structure of such machinery before the conclusion of a universal, international agreement on a sea-bed regime.<sup>8</sup> During the August, 1970, meeting of the Sea-bed Committee in Geneva, Mr. Smirnow asked the United States delegate whether he could accept the formula for "an international treaty of a universal character." The U.S. delegate, Mr. Thacher, said he would prefer a formula on the order of being "as universal as possible," a premise which Mr. Smirnow found unacceptable.<sup>9</sup>

The Soviet delegates have stressed that a number of specific norms of International Law can already be applied to the sea-bed, making uncritical the construction of new formulations. Among those identified were: (1) the right to lay submarine cables and pipelines on the bed of the high seas; (2) the right to engage in "fisheries" conducted by means of equipment embedded in the floor of the sea under circumstances specified in Article 13 of the Convention of Fishing and Conservation of the Living Resources of the High Seas; (3) the freedom of scientific research; (4) respect for the legal rights and interests of other states; (5) respect for the generally recognized freedoms of the high seas, including the freedom of navigation and fishing; and, possibly, (6) denuclearization of the sea-bed.<sup>10</sup>

The international responsibility for insuring the conservation of the mineral resources, prevention of pollution, prevention of the creation of

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8. U.N. Doc. A/AC.138/SR.29-44 at 16-17, 129-84, 187-96 (1970).

9. *Id.* at 189 (1970).

10. Butler, *Some Recent Developments in Soviet Maritime Law*, 4 INT'L LAWYER 695, 706-707 (1970).

unjustified obstacles, and the insuring of the safety of the personnel should, according to the Soviet delegation, be borne by the states. As to the establishment of an international machinery, the Soviet delegation enumerated conditions which it insists such machinery should meet, such as: (1) It must be open to participation by all states without any discrimination and in accordance with the principle of sovereign equality, regardless of whether or not the state is a member of the United Nations or its specialized agencies; (2) It must exclude any possibility of activities being carried out in the interests of single states to the detriment of other states; (3) It must insure that the obligations undertaken by participating states are carried out fully and must promote the rational development of sea-bed resources, in particular through the introduction and application of new technology; (4) Finally, it must prevent the plundering and pollution of the marine environment.<sup>11</sup>

In relation to the question of the need to insure within the framework of the international regime to be established, an equitable sharing of the proceeds and benefits resulting from the exploitation of marine resources, the USSR delegate, Mr. Kulazhenkov, reiterated his delegation's view that the question of benefits should be studied within the framework of preparation of an agreement on the international regime. It was regarded as essential to have some definite basis for the sharing of benefits and not to formulate hasty conclusions. As there were different conceptions of what would be equitable, Mr. Kulazhenkov said that the term "equitable sharing" would have to be carefully studied. The USSR believed that the benefits should be available to all mankind and not merely to particular segments of the world population.<sup>12</sup>

As to the question of granting licenses, the Soviet delegation pointed out that the proposed system for granting licenses was incomplete and might even be harmful to the interests of many states. Four types of licensing had been proposed: (1) licensing on a first-come, first-served basis; (2) licensing by lottery; (3) licensing on the basis of the applicant's qualifications; (4) licensing on the basis of the highest bidder. In addition, some delegations had proposed that licenses should be granted not only to states, but also to private companies. According to the Soviet delegation, all those terms of licensing would, in practice, give an advantage to particular groups of countries and monopolies and would serve the narrow interests of individual states and companies rather than those of mankind as a whole.

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11. U.N. Doc. A/AC.138/SR.29-44 at 95 (1970).

12. *Id.* at 184-85, 197 (1970).

In the Soviet view, licensing was only one of the many complex questions relating to the international machinery which remained to be solved and which required further, careful, and detailed study.<sup>13</sup> In a statement made by the USSR representative in the Economic and Technical Sub-committee of the United Nations Committee on the Peaceful Uses of the Seabed and the Ocean Floor Beyond the Limits of National Jurisdiction, the need to base the economic and technical conditions and rules for the exploitation of the resources of the deep sea-bed on fuller information was stressed. Further, it was emphasized that these conditions and rules should form part of an international agreement on a regime for the exploitation of the mineral resources of the sea-bed. The Soviet delegation considered it necessary in determining the nature of operations to distinguish between the following: (1) surveys for scientific purposes; (2) surveys for industrial purposes; and (3) industrial exploitation of deposits of mineral raw materials by any technological means.<sup>14</sup>

Another point consistently stressed by the USSR delegation and included in the Soviet draft of March 18, 1969, on Prohibition of the Use for Military Purposes of the Sea-bed and the Ocean Floor and the Subsoil Thereof, has been the necessity for halting all military activity in the sea-bed. The Soviet delegation emphasized the great significance which the USSR attaches to the use of the sea-bed exclusively for peaceful purposes. The Soviet draft Treaty on Prohibition of the Use for Military Purposes of the Sea-bed and the Ocean Floor and the Subsoil Thereof prohibited the placement on the sea-bed, the ocean floor, and the subsoil thereof of objects with nuclear weapons or any other weapons of mass destruction, as well as the setting up of military bases, structures, installations, fortifications, and other objects of a military nature.<sup>15</sup>

The USSR was one of the sixty-two nations that signed the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof in Washington, on February 11, 1971.<sup>16</sup>

During the course of 1971, the USSR submitted to the Committee on the Peaceful Uses of the Seabed and the Ocean Floor Beyond the Limits of National Jurisdiction, provisional draft articles of a treaty on the use of the seabed for peaceful purposes that included the points previously made. The USSR delegation, in the explanatory note submitted by

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13. *Id.* at 95.

14. U.N. Doc. A/AC.138/SC.2/SR.35-40 at 29-30 (1970).

15. *Hearings on S.Res. 33 Before the Subcomm. on Ocean Space of the Comm. on Foreign Relations*, 91st Cong., 1st Sess. 16-17 (1969).

16. 64 DEP'T STATE BULL., 288-90 (1971).

them, pointed out that the present draft did not contain "provisions regarding issues relating to licenses for industrial exploration and exploitation of seabed resources and distribution of benefits" but "merely noted the existence of these issues" (articles 9 and 14). According to the Soviet delegation, these issues are "closely linked with the problems of establishment of the 12-mile limit of the territorial sea, the securing of freedom of passage through straits used for international navigation, and fishing in waters adjacent to the territorial sea." The USSR delegation would be prepared to submit specific texts of the articles still outstanding in its draft, "should a solution of the latter problems be in sight" so that "an agreement on these matters can be reached as a package deal."<sup>17</sup>

Soviet bloc geologists who met in a four-day conference in the Baltic Sea Port of Riga in April, 1971 decided to have an ambitious program to survey for and extract valuable minerals found on the ocean floor. They agreed to form an International Coordinating Center of Marine Exploration in the Soviet Union to insure "rational use of mineral resources of the oceans." The Center would be open to the members of COMECON (The Council of Mutual Economic Assistance) and joint expeditions would be undertaken to the Atlantic and Indian Oceans to select prospective sites for mineral exploitation.<sup>18</sup>

#### CONCLUSIONS

The policy of the USSR towards an international regime governing the uses of the deep sea-bed is still undergoing an evolution. Like most other countries, the USSR is taking a rather cautious approach to this new and important concern. The Soviet view, as reflected in the statements of the Soviet delegations to the United Nations, is to initially resolve by international agreement all questions concerning the width of territorial waters and the precise outer limits of the continental shelf. In this respect, the Soviet and United States policies seem to coincide. As contrasted to the United States, however, the USSR appears to be opposed to the establishment of international machinery to explore and exploit the sea-bed resources. It prefers that this exploration and exploitation be carried out by the States, themselves.

Since the Soviet Union has established its power in the world's oceans, it has seemingly been loathe to sacrifice its hard-earned superiority. It is to be hoped that as the discussions continue, the USSR and the United States will find further areas of agreement, enabling the use of deep sea resources for the "common heritage of mankind."

17. *Report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction*, 26 U.N. GAOR Supp. 21, U.N. Doc. A/8421 (1971).

18. N.Y. Times, April 24, 1971, at 10, col. C.